

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHUC MINH HUYNH,

Plaintiff,

v.

SECURITY NATIONAL INSURANCE  
COMPANY, a Foreign Company,

Defendants.

No.: 2:20-Cv-01593-RAJ-DWC

STIPULATION AND ~~PROPOSED~~  
ORDER TO REMAND REMOVED  
ACTION TO STATE COURT

**I. STIPULATION**

Phuc Minh Huynh (“Plaintiff”) Defendant Security National Insurance Company (“Security National”) stipulate and agree as follows:

1. On September 21, 2020 Plaintiff commenced this action in King County Superior Court of the State of Washington entitled *Phuc Minh Huynh v. Security National Insurance Company*, Case No. 20-2-14113-5 SEA (the “Action”).

2. The State of Washington Office of the Insurance Commissioner accepted service of the Summons and Complaint filed in the Action, on behalf of Security National, on September 24, 2020.

3. On October 29, 2020 Security National filed a Notice of Removal of the Action pursuant to 28 U.S.C. §1446(b) with the United States District Court for the Western District of Washington.

4. On October 29, 2020 Security National completed the removal process by filing a conformed copy of the Notice of Removal with the King County Superior Court for the State of Washington.

5. On November 3, 2020 Plaintiff filed a Motion to Remand with this Court. Plaintiff alleges total damages of \$27,316.56 and does not expect combined attorney and witness fees to approach \$47,683.45 (amount needed to meet the \$75,000 threshold).<sup>1</sup> Plaintiff also indicated his intent to move this matter into Superior Court Mandatory Arbitration.

6. After some discussion, the parties have agreed that the Action should be remanded to King County Superior Court. To that end, the parties hereby stipulate that the Action should be remanded to King County Superior Court.

7. The parties further stipulate that each party shall bear its own attorney fees with respect to Defendant's Notice of Removal and Plaintiff's Motion to Remand.

8. Security National agrees to pay any and all court costs and filing fees associated with the remand of this Action back to King County Superior Court. Consistent to paragraph 7, these court costs and filing fees shall not include Plaintiff's attorney fees.

DATED: November 24, 2020

Law Offices of Lawrence M. Katz,  
PLLC

BULLIVANT HOUSER BAILEY PC

By /s/ Lawrence M. Katz

By /s/ Michael A. Guadagno

Michael A. Guadagno, WSBA # 34633

<sup>1</sup> The operative time for a determination of the amount in controversy is the time of removal. *Kroske v. U.S. Bank Corp.*, 432 F.3d 976, 980 (9<sup>th</sup> Cir. 2005).

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3 Attorney for Plaintiff Phuc Minh  
4 Huynh:

Attorneys for Defendant Security National  
Insurance Company:

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7 **ORDER**

8 This matter having come before the Court on the Parties' Stipulation and Proposed  
9 Order to Remand to State Court. Based on agreement of the parties that the amount in  
10 controversy did not exceed \$75,000.00 at the time of Defendant's October 29, 2020  
11 Removal to the United States District Court for the Western District of Washington, it is  
12 ORDERED this case is remanded to King County Superior Court under the previous  
13 cause number of 20-2-14113-5 SEA.

14 Dated this 24th day of November, 2020.

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17 The Honorable Richard A. Jones  
18 United States District Judge  
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